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Why are so many amendments being withdrawn on Beacon Hill?

SPECIAL TO THE NEWS

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The dome of the Massachusetts State House. AlexiusHoratius, CC BY-SA via Wikimedia Commons

by Gintautas Dumcius, CommonWealth Beacon

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A QUIRK OF BEACON HILL was recently on display as senators readied to approve their version of Gov. Maura Healey's housing bill in late June.

Sen. Pat Jehlen, a Somerville Democrat, rose to speak on an amendment to bring back rent control for cities and towns that are interested in implementing the policy, which has been banned since a statewide vote in 1994. "I hope you will all consider the needs of communities like mine," she said, pointing to the housing crunch facing the state. "It's a time for all hands on deck."

With that, she then withdrew her amendment.

Cynthia Stone Creem, a Newton Democrat who was wielding the gavel inside the chamber, asked Jehlen: "Were you going to speak about four amendments? Are you going to withdraw all of them?" Jehlen indicated yes, she was, and the other amendments were withdrawn in quick succession, too.

The interaction followed the script for amendment withdrawals, a growing trend on Beacon Hill. A lawmaker gets up to make a speech, notes how important it would be for his or her colleagues to pass the amendment, and then withdraws the very amendment that was supposed to be so important. The move underlines how little debate there actually is on Beacon Hill these days, and how much of it can seem like theater, as Democratic super-majorities are content to let a handful of legislative leaders set the agenda and shove bills onto the governor's desk.

It's an idiosyncrasy that drives some crazy, while others say it's just pols being pols. The quirk isn't limited to the Senate. Progressive Massachusetts noted that the House's version of a climate bill drew 107 amendments, and 91 ended up withdrawn. "Our great deliberative body," the advocacy group sarcastically posted last month to X, the social media site formerly known as Twitter.

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According to Jonathan Cohn, the group's policy director, the strategic case for moving a policy issue forward by taking to the floor via an amendment, even if it gets withdrawn, rests on the idea that enough people see or hear the speeches. "I don't mean to burst the bubble of legislators, but people don't watch it," he said. Writing an opinion piece has more impact than a floor speech, which he likened to "fan service."

"Filing an amendment, getting a handful of supporters and then saying, 'I'm done, I'm withdrawing it,' doesn't move the ball forward," Cohn added.

It also highlights the decline of debates. As the State House News Service summary of the Senate's passage of a housing bill noted, "There was little disagreement and few divided votes."

Beacon Hill observers say some lawmakers would prefer not to be put on the record about a topic that could cost them support, or even worse, reelection. That amounts to an "incumbent protection racket," Cohn said.

But others defend the practice of amendment withdrawals after an impassioned floor speech. Sen. William Brownsberger, a high-ranking Democrat, suggested that the audience for the speeches is the rest of the Senate.

"You want to put it forward because you want to advance the concept, to get it discussed," he said. "But if the amendment's not really appropriate for the current bill, you wouldn't want a no vote against it just because it doesn't fit within the current scope of the bill or the current intended scope of the bill. If you've positioned the Senate as having voted against it, you don't really want to do that, you'd rather get a yes vote at a m appropriate time. I think that's the most common situation."

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The move lays a foundation for action in the future, Brownsberger argued. He pointed to a state law that limits non-compete agreements as a policy that took 10 years to get passed. “The key thing to understand is that ultimately legislation crosses the finish line when the majority of the body wants it to cross,” he said. “You get to that point through efforts to socialize new concepts. Speaking to an amendment and withdrawing it is an opportunity to socialize a new concept that eventually is going to catch hold, enough people will have it, and it’ll get across the finish line. It changes consciousness when you speak up, whether or not you withdraw the amendment.”

Other lawmakers eschew the maneuver, calling it a waste of their time. “I find there are folks who want to make sure they can say something publicly so people can hear them, it’s something they’ll be able to say to their constituents: ‘I advocated for this,’” said Rep. Russell Holmes, a Mattapan Democrat who has often clashed with House leaders. “I think mainly that’s why that’s done.”

Holmes added that it’s a “function of how the building works,” and how little debate there is. Forcing a vote on an amendment could be viewed as “scarring” colleagues, and going against what House or Senate leaders have already decided behind closed doors. “Essentially, the leadership has said, ‘You’re not going to get this bill,’ but they still want to make sure they speak on it and advocate for it, they still want to make sure their constituents know that they advocated for it,” Holmes said.

John McDonough, a former House lawmaker, called the practice harmless and said some advocates may be protesting too much. “[Lawmakers] want to indicate to leadership they don’t want to give up, but they don’t want to piss everybody off by demanding a roll call, which they’re going to lose overwhelmingly,” he said.

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Every legislature in the country has its own customs and rules that can appear odd, and to some extent, they all run "incumbent protection rackets," he added. "But they're all essentially going after the same dynamic. People are looking to get as much as they can out of the process to make them look like a hero at home. That's just the nature of the place when I was there from 1985 through the end of 1997 and I think it's still true today."

"You can curse it but you might as well curse the rain and the snow," McDonough said. "It's kind of human nature. That's how these places function and work."

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Friday, March 13, beginning at 7:30 p.m., live in-person and live streamed from the stunning Ripley Chapel at First Congregational Church, Winchester, 21 Church St., join in with Syldason, a duo concert featuring Sylvie Zakarian,

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